United Nations CEDAW/C/SR.1505

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 July 2017

English only

**Committee on the Elimination of Discrimination against Women**
**Sixty-seventh session**

**Summary record of the 1505th meeting**
Held at the Palais des Nations, Geneva, on Wednesday, 5 July 2017, at 3 p.m.

*Chair*: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

*Combined sixth and seventh periodic reports of Thailand* (*continued*)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Combined sixth and seventh periodic reports of Thailand* (*continued*) (CEDAW/C/THA/6-7; CEDAW/C/THA/Q/6-7 and Add.1)

*Articles 7 to 9*

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

2. **Ms. Nadaraia** said that women were still underrepresented in politics, public administration and the private sector and accounted for only a small minority of places in the National Legislative Assembly, the Cabinet, the National Reform Steering Assembly and the Constitutional Drafting Committee. Although the eleventh Economic and Social Development Plan contained a strategy to encourage women's participation in the decision-making process, the new Constitution failed to ensure that women could hold public office and contribute to government policy on an equal footing with men; nor did it establish a quota system or similar mechanism to prevent women's exclusion from political office. Furthermore, only a small number of women held high-ranking positions in the judiciary. The Committee would welcome further details of the Government's strategy to strengthen women's representation in leadership and decision-making roles, including in the Senate, the public administration, the judiciary and the private sector. Some improvement had been noted in the diplomatic service, with women increasingly present in the Thai delegations that attended various international forums; in that regard it would be interesting to know the proportion of senior diplomatic posts that were occupied by women.

3. **Ms. Gbedemah** said that she commended the State party for amending its nationality law, for endorsing the 10-year campaign to end statelessness of the Office of the United Nations High Commissioner for Refugees (UNHCR) and for approving a resolution on measures to address the problem of stateless persons in Thailand by making 80,000 children and young adults eligible for Thai citizenship. She would be interested to know the proportion of girls and women that had applied for nationality as a result of the government resolution.

4. Concerning citizenship, the Committee was concerned that the nationality requirements were stricter for the foreign spouses of Thai women than for the foreign spouses of Thai men, in spite of the Committee's recommendation that the Nationality Act should be brought into conformity with article 9 of the Convention. The replies to the list of issues indicated that the Government was considering further amendments to the Act, but it remained unclear whether they were aimed at bringing the law more closely into line with the Convention or whether there was a time frame for doing so.

5. While she appreciated the information that all children born in Thailand were entitled to birth registration, she was concerned that some parents continued to face difficulties in registering births due to their economic circumstances, ethnicity and migrant status. Noting that 794 hospitals operated birth registration databases linked to the national database of the Ministry of the Interior, she wished to learn what proportion of the country's hospitals that entailed. Information on the proportion of children born in hospitals would also be welcome. She also wondered whether the costs attached to providing birth registration posed a problem.

6. The Committee would be grateful for a comment on reports that members of ethnic minority communities were regarded as illegal aliens and that they encountered difficulties in finding employment and housing, which indicated that their access to education and health care might be restricted and their livelihoods and freedom of movement threatened. The delegation should describe the measures that had been adopted to treat women equally, especially in view of the observation that men were given priority when it came to processing nationality applications. More information on the number of stateless women and men who had been granted or denied nationality would be helpful. She urged the State

party to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

7. **Mr. Wannamethee** (Thailand) said that the Ministry of Foreign Affairs adhered to the principle of non-discrimination at all levels of the diplomatic service. As of June 2017, 16 women (41 per cent) held executive positions, including the senior civil service post of Permanent Secretary, while 9 out of 67 ambassadorships (13 per cent) were held by women. Approximately 55 per cent of middle-ranking posts were also held by women, which suggested that female ambassadors would eventually outnumber their male colleagues.

8. **Mr. Wongkraisrithong** (Thailand) said that marriage to a Thai national offered a pathway to Thai nationality for foreign nationals of both sexes, irrespective of their nationality, although, in the past, the female spouses of Thai nationals had been able to acquire nationality more readily than male spouses. However, the Ministry of Interior had recently put forward a proposal for an amendment to the Nationality Act so that the eligibility criteria for nationality was the same for both sexes. However, one aspect taken into consideration in the granting of citizenship to male foreign nationals, albeit not an absolute requirement, was that they should have a stable source of income.

9 Stateless persons living in Thailand numbered approximately 2.5 million. The procedures for applying for Thai nationality were different for the stateless persons who had migrated to the country and the children born to those persons. In the preceding two years nationality had been granted to approximately 250,000 people, and provision had been made under the law for stateless persons to become Thai residents. They also had access free medical treatment, basic education and employment opportunities similar to that of Thai citizens.

10. Children born in hospitals were automatically registered through a computerized system, although births outside hospitals, for example in remote rural areas, could be registered after the child was born. The Government also operated a computerized system to maintain data on non-Thai residents in order to provide them with the necessary services and enable them to exercise their rights.

11. **Ms. Paopramot** (Thailand) said that the statistics on women's political participation had shown slight improvements. A woman Prime Minister had held office from 2011 to 2014, while a Muslim woman had been appointed deputy governor of Narathiwat Province. The Government was drafting an organic law on political parties that included a section on women's representation, while the Constitution stipulated that, in preparing the lists of candidates for election to the House of Representatives, regard for equality of opportunity and the proportion of men and women must be had. Women accounted for 16 per cent of elected local government officials. Thailand had posted impressive figures for the economic participation of women and, in 2017, was the Asia-Pacific country with the third-highest proportion of leadership roles held by women. Women now accounted for about a quarter of the heads and deputy heads of agencies, departments and ministries, while 12 women held positions as Members of Parliament. Participation in the judicial system was high, with women accounting for 41 per cent of judges and trainee judges in 2016 and more than half of successful candidates in the examination to become judges.

12. **Ms. Vichit-Vadakan** (Thailand) said that the Government was aware of the current gender gaps in political participation and was laying the groundwork to increase the number of women in decision-making positions. A constitutional framework had been developed in which the Election Commission sought to ensure parity between male and female candidates in elections, although further work was required to provide an enabling environment for women to enter politics. In that regard, the Office of Women's Affairs and Family Development had worked with civil society and an external partner to deliver training courses on subjects such as public speaking, preparing budget proposals and ethics. Those training workshops were non-partisan and had been attended by former deputies and members of two of the main political parties. Among the 200 lawmakers who would be selected for the Senate, 50 would be chosen from a list of candidates put forward by professional groups from various industries and walks of life. One of those groups would represent women. The law governing the Senate election was still being drafted and women's representation had been promoted as part of that process.

13. **Ms. Schulz** said that the section of the Constitution on women's representation in the House of Representatives did not amount to a serious commitment to improving women's political participation. She was concerned about the drastic fall in the number of female lawmakers, when compared with the statistics for the previous legislature. Further information on the content of the new electoral law, such as whether it included a mechanism to ensure women's representation in the House of Representatives, would therefore be useful. Were efforts to attain gender parity complicated by the use of the first-past-the-post system as opposed to proportional representation? Regarding the appointments to the Senate, she asked whether provisions set forth in section 108 (a) of the Constitution concerning eligibility for the Senate might result in indirect discrimination against women. Finally, she wondered whether any new steps had been taken to improve participation in local government in view of the failure to introduce gender parity at the sub-district (*tambon*) level.

14. **Ms. Manalo** said that she would be grateful if the State party could provide the Committee with statistics to illustrate the effectiveness of initiatives to prepare Thai women for participation in politics and public administration. She had been pleased to learn of women's increasing role in the foreign service, although the proportion of women was higher in other countries in the region. Therefore, the Government should continue its efforts to encourage more women to pursue diplomatic careers. Lastly, she asked whether Thai women automatically transmitted their nationality to their children, regardless of whether the father's identity was recorded, and whether dual nationality was granted to children whose fathers were foreign nationals.

15. **Mr. Wongkraisrithong** (Thailand) said that the country had adequate facilities for the registration of births, including some 1,000 hospitals, and more than 7,000 health centres that were able to collect birth information and transfer the relevant data to the hospitals. Some 1,400 registration centres were also connected to the computerized system. In the previous three years, 250,000 stateless persons had been granted citizenship. The gender ratio of the 80,000 children and young people being considered for citizenship was approximately 1:1. The Government was making concerted efforts to protect stateless persons, and many of the measures taken to address the problem offered greater protections than those covered under the statelessness conventions. The Nationality Act was applied equally to both male and female spouses of Thai nationals and did not discriminate on the basis of gender. In addition, children who were left behind or separated from their parents were automatically regarded as Thai nationals.

16. **Ms. Paopramot** (Thailand) said that the Ministry of Social Development and Human Security had implemented a training programme to support female political candidates from all major political parties in Thailand. The Ministry had also worked with the United Nations Development Programme on a four-year programme to empower Muslim women in southern Thailand. As a result, a network of associations for Muslim women had been established in seven provinces. The Government was continuing its efforts to improve basic rights and access to social welfare for the country's ethnic minority groups, including their nationality rights.

*Articles 10 to 14*

17. **Ms. Song** wished to know what measures were in place to improve the literacy rate among women over 40 years of age. She also asked whether the Government had a strategy to encourage girls to study non-traditional subjects and how it had addressed prejudices in textbooks. She would appreciate information on the results of any research into such prejudices. She would welcome information on measures to help teenage mothers to complete their studies and prepare them for employment.

18. **Mr. Bergby** said that the Labour Protection Act left many female domestic workers without access public maternity services or the right to maternity leave or compensation for income lost after giving birth. It appeared that workers were not fully informed of their rights owing to incomplete implementation of the Home Workers Protection Act. He wished to know whether the Labour Protection Act, Social Security Act and Workmen's Compensation Act would be amended to cover all domestic workers and provide maternity leave and full compensation for lost income. He wished to know which jobs appeared on

the list of work considered inappropriate for pregnant women under the Labour Protection Act. He asked whether pregnant employees unable to perform their normal tasks were given alternative work or paid time off. He commended the State party for its ratification of the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), but wished to know whether a time frame had been established for ratification of the ILO Maternity Protection Convention, 2000 (No. 183). The retirement age remained 55 years of age for women and 60 for men, which appeared to discriminate against women, as their pensions were thus lower. He asked whether there were any plans to make the retirement age the same for men and women.

19. **Ms. Chalal** said that she was concerned that the draft legislation on reproductive health had not been adopted and that many health programmes lacked a gender dimension. She would appreciate additional information on the follow-up to the draft. She asked what measures had been taken to reduce the teenage pregnancy rate, whether abortion was permitted in cases of birth defect and how illegal abortion was addressed. She would welcome statistics on illegal abortion.

20. As HIV/AIDS was one of the leading causes of maternal mortality, she wished to know whether the National AIDS Strategic Plan for the period 2014-2016 had been successful in reducing the rate of HIV/AIDS and helped the women affected to gain access to the social protection system. It would also be helpful to have statistics on the prevalence of HIV/AIDS and information on the medicines available in rural areas. As the use of contraception remained low, she wished to know whether the Government planned to strengthen its sex education programmes for adults and teenagers.

21. Interpreters and carers could be employed in the health service to reduce the discrimination suffered by marginalized women, including Muslim women, women from the lesbian, gay, bisexual and transgender (LGBT) community, and female migrants and refugees. She asked how the Government planned to guarantee equal access to health care for those women. She wished to know whether the second National Reproductive Health Policy and Strategic Plan addressed the shortcomings found in the first plan. She would also welcome further information on the aims, human and financial resources and status of implementation of the second Plan.

22. **Ms. Song** noted that female-headed households had a lower average income than male-headed households. She wished to know what measures had been developed to assist women living in poverty and whether female-headed households received any social support or assistance in obtaining bank loans. She asked whether implementation of the National Village and Urban Community Fund had been assessed and how many women had received loans under the Fund. Furthermore, she wished to know whether there were any schemes or training programmes available to help female entrepreneurs.

23. **Ms. Jahan** said that women in rural areas faced disproportionate discrimination in access to basic services, including health care. She asked whether the Government planned to include a gender perspective and allocate adequate funding to all plans concerning rural areas and whether special measures would be adopted to improve equality and access to justice for women from rural areas and hill tribes. Information on the current number of female village chiefs would be appreciated. She wished to know what measures were in place to allow women to find decent employment in rural areas, whether the Thai Women Empowerment Fund was easily accessible for rural women and girls and whether an impact assessment on the distribution of money from the Fund had been carried out.

24. As violence in southern border provinces disproportionately affected women and children, increasing the number of widows and female-headed households, she would welcome information on available remedies for the family members of people injured or killed in those areas. She also wished to know how the citizenship application process was being adjusted for women from ethnic minorities living in rural areas, many of whom had limited proficiency in the Thai language.

25. She asked what measures had been taken to involve rural women in development projects, such as mining, and ensure that land leases and contracts did not violate their rights or result in forced evictions. She also wished to know how rural and indigenous people were involved in the process of making laws on national parks, wildlife sanctuaries

and forestry. Moreover, it would be helpful to learn what steps were taken to ensure that women human rights defenders working in rural areas were free from harassment and discrimination.

26. As women were primarily responsible for the care of older persons in Thailand, she asked whether the Act on Older Persons had a gender perspective, took into account the specific needs of elderly women or provided for subsistence allowances for older women in rural areas. She would appreciate further information on the current legal protections for persons with disabilities, the majority of whom lived in rural areas, and the follow up to the recommendations of the Committee on the Rights of Persons with Disabilities pursuant to its consideration of the initial report of Thailand. She also wished to know whether there were any plans to introduce temporary special measures to include more women in the National Commission for the Empowerment of Persons with Disabilities, what remedial measures had been taken to prevent women with disabilities from being subjected to forced sterilization and abortion and what steps were being taken to improve access to justice for women with disabilities.

27. She would appreciate it if the delegation could comment on reports that the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) had not been fully applied. She also asked whether Thai women on death row in other countries received government support and whether three-dimensional body scanners were used to prevent invasive physical examinations. She wished to know what measures had been undertaken to include women from rural areas and hill tribes in efforts to adapt to climate change and disaster management, including through participation in planning national policies and programmes.

28. **Ms. Vichit-Vadakan** (Thailand) said that a committee had been formed to review textbooks, eliminate gender bias in schools and promote the participation of women and girls in sports. The Government aimed to make schools gender neutral and more conducive to female leadership.

29. **Ms. Mosika** (Thailand) said that educational institutions were required to provide counselling and basic assistance for pregnant students and their parents. Work had been carried out with doctors and psychologists to ensure that pregnant students were able to receive appropriate reproductive health care and social welfare. They could also arrange to take examinations and return to school after giving birth. Non-formal education was provided nationwide for persons over 15 years of age, including children not enrolled in formal schooling. The literacy rate for women over 40 years of age was approximately 97 per cent. The Government was working to increase the number of women studying science, technology, engineering and mathematics. A study conducted by the United Nations Educational, Scientific and Cultural Organization and the Korean Women's Development Institute had shown that, in Thailand, girls outperformed boys in mathematics and science, and over half of science students and researchers were female. However, only 14 per cent of students of engineering, manufacturing and construction were women. Furthermore, as at December 2016, the numbers of male and female doctors were approximately equal.

30. **Mr. Thanghong** (Thailand) said that Thai women and female migrant workers employed in the informal sector, particularly in domestic work, did not have full protection of their rights. However, in 2012, domestic workers had been granted the right to take holiday and sick leave with pay and to receive severance pay. It was illegal for anyone under the age of 15 to work in domestic service. Under the Social Security Act, certain migrants would soon be entitled to insurance, and the Government was considering an extension of social security to cover all workers in the agricultural, fishing and forestry sector.

31. It was illegal for employers to terminate the contracts of pregnant employees, or reduce their wages and benefits. Employers were obliged to ensure that pregnant employees worked in safe and appropriate conditions; it was prohibited for them to work between 10 p.m. and 6 a.m. or engage in mining or underground construction. In January 2017, the Government had amended the Labour Protection Act to set the retirement age at 60 for both men and women. However, people over the age of 55 were entitled to receive retirement benefits.

32. **Ms. Sirivejchapun** (Thailand) said that Thailand's reproductive health policy had been in force since 1997, with a series of amendments and pieces of legislation having been enacted since then to address areas of concern. A recent law had been passed in order to tackle the urgent issue of teenage pregnancy, which had made provision for the establishment of a committee with representatives from various Government ministries, civil society and young people. The delegation would welcome any recommendations from the Committee in that area.

33. **Ms. Chotikajan Tang** (Thailand) said that the State party's active efforts at the national and international level over the previous three decades had succeeded in reducing the number of new HIV infections. The Government was committed to ending the AIDS epidemic, AIDS-related deaths and the stigma and discrimination often associated with the disease in accordance with the goals of the national AIDS strategy for the period 2017-2030. Women, children and the elderly were identified as a group requiring special attention as part of that strategy. The Government had also intensified its efforts to respect, protect and promote the rights of women living with or affected by HIV and their children. Thus, all pregnant women, including undocumented migrant workers, were provided with free antenatal care, delivery and HIV treatment services. Data showed that 98 per cent of all pregnant women living with HIV had access to antiretroviral therapy. As a result of these efforts, Thailand had been the first country in the Asia-Pacific region, and the first country with a major HIV epidemic, to ensure an AIDS-free generation. In 2016, the country had received validation from the World Health Organization (WHO) for having eradicated mother-to-child transmission of HIV and syphilis. Thailand had conducted awareness-raising campaigns on condom use and provided free antiretroviral treatment for all Thai nationals, cutting the number of new HIV infections to 8,000 in 2013. A universal health-care system was in place, based on the principle of non-discrimination, to ensure equitable access to health care for everyone, regardless of income, gender or immigration status.

34. **Ms. Paopramot** (Thailand) said that learning centres had been set up for women and families from disadvantaged groups. Job training was provided to low-income girls and women in remote areas, as well as to female victims of trafficking and prostitution. The centres also worked with the local community and schools to raise awareness of gender equality and human rights issues and provided employment assistance and support for business start-ups.

35. **Mr. Suadsong** (Thailand) said that men and women were detained separately in immigration detention facilities in accordance with Immigration Bureau order No. 148/2000. Furthermore, the Thai police were aware of the issue of invasive body searches and were in the process of introducing three-dimensional body scanners; 12 were already in use in prisons and correctional facilities.

36. **Ms. Rana** said that she wished to hear about the progress, status and funding of the national action plan to implement Security Council resolution 1325 (2000) on women and peace and security, particularly as it pertained to the involvement of rural women from the south of the country. As the Committee had received reports that DNA samples were being taken from children as young as 5, she would also like to know what initiatives had been put in place to stop that practice and to ensure informed adult consent was given if the taking of samples was necessary.

37. **Ms. Song** asked what percentage of the committee managing the National Village and Urban Community Fund were women and whether the gender perspective was integrated into the committee's work.

38. **Ms. Paopramot** (Thailand) said that the Government ensured that there were laws and measures in place to deal with disputes over the use of public land. Such measures were implemented through a fair and transparent process, with all persons receiving equal treatment regardless of gender. Restrictions on the use of land were gradually being relaxed. All persons who encroached on public land would eventually be relocated, although provision had been made to provide such persons with the necessary housing and employment assistance. Evictions were not arbitrary and were only carried out following a court ruling. The Government respected the rights of all local communities to use the land and natural resources. Men and women from ethnic groups were protected from

discrimination by law and were entitled to public services. A national plan for the development of ethnic groups for the period 2015-2017 had had sought to improve their access to farmland and legal status and help them to adapt to change.

39. **Mr. Wongkraisrithong** (Thailand) said that DNA samples from both suspects and victims in criminal proceedings were collected, since it was the most reliable form of evidence. However, DNA samples could not be taken without consent, as that would render the evidence inadmissible in court. Women were well represented in the committees responsible for the National Village and Urban Community Fund at the village, district and provincial levels and in the Thai Women Empowerment Fund. Both men and women could thus participate in public life and have access to funding for job creation at the local level.

40. **Ms. Chotikajan Tang** (Thailand) said that the strategy under the women and peace and security agenda was currently being translated into concrete measures and guidelines, with the support of UN-Women. The strategy was created with the participation of women from all walks of life, including Muslim women from the south of the country. Leaders of Muslim communities held seats on the committee set up to devise the strategy. Assistance was received through the women and peace and security focal point network, which provided useful information from States with more advanced national action plans in that regard. She did not have statistics on abortion to hand but would submit them in writing.

*Articles 15 and 16*

41. **Ms. Hayashi** said that she welcomed the recent legislative amendments in response to the concluding observations of the last reporting cycle (CEDAW/C/THA/CO/5), particularly the amendments on marital rape and the recognition of equal rights of husbands and wives in divorce matters. However, despite the State party's affirmation in the response to the list of issues that provisions of the law relating to marriage and divorce applied equally to everyone, families in indigenous communities continued to be governed by traditional law, thus allowing discriminatory practices. Polygamy was one such example. She failed to understand the relatively high prevalence of polygamy in the State party and to what extent it had been denounced by the Government; she would welcome more concrete information in that regard. She would also like the delegation to elaborate on efforts to raise awareness among indigenous communities and policymakers about the rights of women in family relations.

42. The Committee was concerned that, although the marriage age was 17, alternative sources found that courts permitted the marriage of children as young as 13. Moreover, under section 277 (5) of the Criminal Code, perpetrators of statutory rape could avoid prosecution by marrying the victim, with the court's approval. She would like to have statistical data, disaggregated by age, on the number of such marriages that had been approved by the courts. According to data from the United Nations Children's Fund (UNICEF), more than 15 per cent of adolescent girls were married or in a de facto union in 2016, and over 20 per cent of women aged 20-24 had married before the age of 18. The Committee was concerned, since these figures had remained steady in recent years, and she would thus like to know what measures had been introduced to address early marriage and end impunity for those who violated family law. Regarding surrogacy, she wished to know what legal reforms were being planned to ensure that surrogate mothers' rights were respected, particularly the right to terminate the pregnancy if they wished, and that the children of surrogate mothers enjoyed the same citizenship rights as their prospective adoptive parents.

43. **Mr. Pukditanakul** (Thailand) said that, for more than 80 years, the law had only permitted monogamous marriage in Thailand; however, four southern provinces allowed polygamous marriage under Islamic law. Although there were programmes in place to cooperate with religious leaders in order to discourage polygamous marriages, they had little effect in remote areas. There were only a very limited number of cases where courts had granted approval for perpetrators of statutory rape of minors to marry their victims and thus evade justice. In such cases, before granting approval, the courts were obliged to consider the best interests of the child.

44. **Ms. Hayashi** said that the Committee had expressed concern in their last concluding observations about the 310-day waiting period for women to remarry, which did not apply to men, and she wondered whether that discriminatory provision of the law had been amended since.

45. **Mr. Pukditanakul** (Thailand) said that his Government had been working with religious leaders in Muslim communities, who also served as judges, to change attitudes. However, the Government had found it very difficult to intervene in such cases, since practices involving marriage or divorce concerned deeply held religious beliefs; nevertheless, there were programmes in place to encourage change, and progress was being made in that regard, albeit slowly.

46. **Ms. Sirivejchapun** (Thailand) said that the provisions of the law on surrogacy were aimed at preventing human trafficking. Under that law, the prospective parents had to be lawfully married and physically unable to have children themselves. There were many mechanisms and laws in place to protect the rights of both the prospective parents and the surrogate mother.

47. **Ms. Setthakorn** (Thailand) said that she appreciated the Committee members' comments and guidance, and her Government would endeavour to incorporate them in future strategies to implement the Convention.

*The meeting rose at 5.20 p.m.*